

JAN 10 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS ESPINO,

Plaintiff - Appellant,

v.

LIBERTY MUTUAL INSURANCE  
COMPANY; et al.,

Defendants - Appellees.

No. 07-16291

D.C. No. CV-06-01523-RRB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Ralph R. Beistline, District Judge, Presiding

Submitted January 7, 2008\*\*

Before: O'SCANNLAIN, SILVERMAN and GRABER, Circuit Judges.

This is an appeal of the district court's order granting defendants' motion to dismiss under the *Rooker-Feldman* doctrine. We review de novo. *See Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003).

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The Clerk shall file the opening brief, received on October 24, 2007. The opening brief is also construed as a response to the court's October 4, 2007 order to show cause.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court properly concluded that it lacked subject matter jurisdiction pursuant to the *Rooker-Feldman* doctrine because appellant's action amounted to a forbidden "de facto appeal" of a state court judgment. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005) (holding that *Rooker-Feldman* bars "state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced" from asking district courts to review and reject those judgments).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

**AFFIRMED.**